



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/165,315	10/02/1998	TOMOAKI TAMURA	02860.0599	7725

22852 7590 02/28/2003

FINNEGAN, HENDERSON, FARABOW, GARRETT &  
DUNNER LLP  
1300 I STREET, NW  
WASHINGTON, DC 20006

EXAMINER

MAHONEY, CHRISTOPHER E

ART UNIT PAPER NUMBER

2851

DATE MAILED: 02/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/165,315

Applicant(s)

TAMURA ET AL.

Examiner

Christopher E Mahoney

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13, 17-21 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 12, 17-21 and 28 is/are rejected.
- 7) ☒ Claim(s) 6-11 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Priority*

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski (U.S. Patent No. 5,633,678) in view of Oikawa (U.S. Patent No. 5,666,578). Parulski teaches a camera comprising an image pickup device 12 to form digital images, and a transmitting device for transmitting all photographic information to an external device (see figure 1, as well as col. 7, lines 4-7). It also teaches receiving operation information from an external computer in the form of either updated OS or in the form of category folders. While Parulski does teach some designation for each print, it does not teach number of prints print designation information is part of the information being recorded. Oikawa teaches in fig. 27 and col. 22, lines 26-43) that it was known to record the number of prints for each frame as part of the photo/frame information in response to a selection input by an operator. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features as taught by Oikawa for the purpose of eliminating the need for an index print.

Claims 4-5 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski (U.S. Patent No. 5,633,678) in view of Oikawa (U.S. Patent No. 5,666,578), and further in view of Saegusa (U.S. Pat. No. 5,799,217). Parulski (U.S. Patent No. 5,633,678) in view of Oikawa (U.S. Patent No. 5,666,578) teaches the salient features of the claimed invention except for a battery check device. Saegusa teaches a battery check device for a camera which determines the battery power and functional limits based on the battery exhaustion, which then displays the information accordingly. The applicant is directed to review the abstract as well as figures 1 and 3-6. It would have been obvious at the time the invention was made for one of ordinary skill in the art to include the features taught by Saegusa for the purpose of accurately assess battery function and warning the operator.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski (U.S. Patent No. 5,633,678) in view of Oikawa (U.S. Patent No. 5,666,578), and further in view of Moghadam (U.S. Patent No. 5,917,542). Parulski (U.S. Patent No. 5,633,678) in view of Oikawa (U.S. Patent No. 5,666,578) teaches the salient features of the claimed invention and figure 1 of Parulski suggests wireless transmission but does not explicitly state it. Moghadam teaches in figure 1 that it was known to transmit information between a camera and an external device via wireless means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features as taught by Moghadam for the purpose of eliminating wires.

Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski (U.S. Patent No. 5,633,678) in view of Oikawa (U.S. Patent No. 5,666,578), and further in view of Friend et al (Understanding Data Communications). Parulski in view of Oikawa teaches the salient features of the claimed invention except for a explicitly stating that it acknowledges proper receipt of information. Friend teaches that it was known to receive receipt information especially when there is an error in communication. This is discussed on page 177 of Friend. If the applicant wishes, additional pages of this text can be supplied for the detailed descriptions of the topics touched upon on page 177. It would have been obvious at the time the invention was made for one of ordinary skill in the art to include the features taught by Friend for the purpose of error checking. The examiner notes that modem software, which has been in existence for decades, sends and receives receipt acknowledgments as well as notifying the user of such acknowledgments.

Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski (U.S. Patent No. 5,633,678) in view of Oikawa (U.S. Patent No. 5,666,578), and further in view of Kaihatsu (U.S. Pat. No. 5,898,386). Parulski in view of Oikawa teaches the salient features of the claimed invention except for a transmitter ID signal transmission. Kaihatsu teaches in the abstract as well as figures 11 and 12 that it was known to transmit transmitter ID. It would have been obvious at the time the invention was made for one of ordinary skill in the art to include the features taught by Kaihatsu for the purpose of proper tracking and identification.

Art Unit: 2851

***Allowable Subject Matter***

Claims 6-11 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.


***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E Mahoney whose telephone number is (703) 305-3475. The examiner can normally be reached on 8:30AM-5PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (703) 308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

  
CHRISTOPHER MAHONEY  
PRIMARY EXAMINER